

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

Docket No. 7:14-MJ-1186-RJ

U.S.A. vs. Torrey Orlando Baumgardner

Petition for Action on Supervised Release

COMES NOW David W. Leake, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Torrey Orlando Baumgardner, who, upon an earlier plea of guilty to Possession of Marijuana, was sentenced by the Honorable Robert B. Jones, Jr., U.S. Magistrate Judge on April 1, 2015, to the custody of the Bureau of Prisons for a term of 15 days. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 12 months.

Torrey Orlando Baumgardner was released from custody on April 1, 2015, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS
FOLLOWS:**

On April 7, 2015, the defendant submitted to a urine test which tested positive for Morphine, and on April 21, 2015, he submitted a urine test which tested positive for Amphetamine. Following the two initial positive tests, the defendant was admonished that his drug use would be reported to the court, but he was given the opportunity to complete his substance abuse assessment at CDTEG, Inc., in Jacksonville, North Carolina. The assessment was completed on April 30, 2015, and the defendant began treatment the following week. Since that time, the treatment provider and the undersigned probation officer noticed marked improvements in both the defendant's demeanor and appearance. However, a urine test which he submitted on May 28, 2015, also tested positive for Morphine. Notwithstanding his improvements, given the severity of the defendant's drug addiction, it has become apparent that a temporary change from his current surroundings is necessary for him to have the opportunity to focus on substance abuse treatment.

To his credit, the defendant has maintained employment and has been attending substance abuse treatment sessions at CDTEG. However, due to the severity of his substance abuse addiction, the following modification is recommended to provide an environment more conducive to intensive substance abuse treatment. Therefore, it is hopeful that the modification below will serve to provide the defendant with both a motivation and mechanism for future compliance. The defendant is aware that a fourth positive urine test in a 12-month time period will subject him to statutorily mandated revocation proceedings.

On July 7, 2015, the defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall undergo placement in a residential reentry center or residential recovery center for a period of up to 180 days as arranged by the probation office and shall abide by the conditions of that program during said placement. The subsistence fee that is normally required by the residential reentry center is waived to allow the defendant to focus on achieving and maintaining sobriety. The term of placement shall be terminated at any time the treatment providers determine that the defendant has achieved and is able to maintain sobriety.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ David W. Leake
David W. Leake
U.S. Probation Officer
2 Princess Street Suite 308
Wilmington, NC 28401-3958
Phone: 910-346-5109
Executed On: July 7, 2015

ORDER OF THE COURT

Considered and ordered this 7 day of July, 2015 and ordered filed and made a part of the records in the above case.


Robert B. Jones, Jr.
U.S. Magistrate Judge